

To the members of the Amazon Labor Union Executive Board,

This letter and proposal is written on behalf of the Democratic Reform Caucus of the Amazon Labor Union, a group of over fifty active organizers and several hundred supporters. We understand that the last few months have felt chaotic and unconstructive. We know that there is a lot of mistrust on both sides, and we want to recognize that even though we have different views on how our union should function, everyone involved is trying to do what they feel is right.

At first, we were relieved that the Vice President suggested mediation to resolve our ongoing disagreements and very impressed that the board proposed Bill Fletcher, who is well-known in the labor movement for his mediation work. We were then disappointed to hear that you voted to cancel it at the last minute. Though we don't fault the majority of the executive board, our stance is that many aspects of ALU's current structure are illegal and undemocratic, and we were prepared to make our case calmly and respectfully during mediation, with evidence to prove it.

After the meeting was canceled, one of our members tried to communicate our position to the Vice President in a one-on-one conversation, but the next day was told to contact ALU's lawyers. If we really wanted to go to court, we would have done it six months ago. Instead, we tried to work within the union's established processes (following the amendment procedure in the current constitution). When the Vice President sent that message, we took it to mean the executive board no longer wanted to resolve the conflict and would rather just settle the matter in court.

Now, as you may know, we have decided to move forward with a lawsuit. There was a late attempt to coordinate another meeting with a select group of Caucus members, however the messaging regarding the terms of the meeting was contradictory and unclear, and in the end we felt it was not appropriate to meet under the proposed terms.

If we can't even agree to select a neutral mediator and set reasonable ground rules, we find it unlikely that a free-form meeting to discuss more contentious issues would be in any way constructive, especially considering the recent hostility directed toward caucus members by board members in the workplace. Secondly, the heart of our grievance is a legal matter on which our stance is non-negotiable: our union must follow the law and we will not be complicit in causing it to do otherwise. So in lieu of a meeting, we will lay out our concerns here in writing and offer a fair proposal as an alternative to a public legal fight.

1. **The entire structure of the current Executive Board is illegal.** Section 401 of the LMRDA prohibits the unilateral appointment of union officers (i.e. all Executive Board members) and requires that all union officers be elected by secret ballot election. ALU has never done this. Additionally, the current board structure is amorphous and the positions do not adhere to any version of the Union's constitution, with members being added and removed at the president's whim. (29 U.S.C. 481)

2. **The current constitution is unlawful and was adopted without a proper amendment procedure or ratification vote.** This invalid constitution, currently on file with the DOL without membership approval, was a transparent attempt by the President to consolidate power in the face of dwindling support and upcoming elections. It illegally postponed elections indefinitely, illegally revoked membership eligibility from LDJ5 workers, and made a series of completely undemocratic changes as a scheme to suppress dissent. Even if you continue to believe his narrative that the prior constitution was somehow secretly changed (a claim we will gladly disprove in court with ample documentation and witnesses), a) any new constitution still would have had to be voted on, and b) even if both constitutions were somehow found invalid, we would revert to the first one ratified in October of 2021 which also called for leadership elections after the conclusion of the JFK8 representation election.
3. **The workers want elections.** The petition we circulated demanding elections has over 800 signatures. Our lawsuit names over 50 plaintiffs. We have more support behind this demand than any other collective action ALU has ever attempted to organize. Leadership elections were a campaign promise, and currently the only thing that can save ALU from its downward spiral. The caucus is not going away, the workers will not suddenly forget this demand, and to draw the issue out any longer invites a DOL investigation that will irreparably harm our union's reputation and make it impossible to organize workers anywhere else ever again.

When these points have been communicated to certain board members, there is generally some agreement that the union should have elections, but the urgent need is dismissed based on some faulty arguments.

1. **Elections would be expensive.** Not only is this not true, even if it was it's not a valid reason not to follow the law. An election conducted for members of a single bargaining unit is not complicated. We could easily secure funding from an outside donor to cover costs anyway.
2. **Amazon has not provided a current list of employees.** That's not necessary, the union is independent of the employer and maintains its own membership eligibility criteria and manages its own roster. So long as we give reasonable notice to JFK8 workers and verify a voter's eligibility for membership, we are able to run a valid election.
3. **An election would distract from the contract fight.** The opposite is true. Nearly all worker apathy is rooted in their view that ALU is undemocratic and inactive..Elections would immediately revitalize the membership and provide the union with an influx of new members, who can then be mobilized immediately thereafter for the contract fight.

Additionally, it is apparent through several conversations with board members that there are fundamental misunderstandings at play as to how officer elections actually work. We would like to reiterate for those confused that laws regarding internal officer elections are contained in the

LMRDA, not the NLRA, and that elections for officers are different from representation elections like the one we had at JFK8, where our union was elected by the workers to be their bargaining representative. Nothing about officer elections affects that process or the certification of the JFK8 election. **Nothing about officer elections involves Amazon or the NLRB at all, it is entirely an internal union matter.**

More information can be found here:

<https://www.dol.gov/agencies/olms/compliance-assistance/publications/guide-for-conducting-local-union-officer-elections>

As it stands, our lawsuit is prepared for delivery and we are confident that the fact pattern presented paints a clear picture of unlawful and anti-democratic behavior which can only be remedied by immediate elections. Additionally, we advise board members not to send any more written threats to caucus members as Title I of the LMRDA protects both the union members' rights to organize free of retaliation, as well as their right to sue.

However, we agree with you that we should avoid a public legal battle if possible. For this reason, we are reaching out to propose the following agreement, which has also been sent to the union's attorneys:

ALU agrees to the following:

- a. to cease governing ALU pursuant to the Amended Constitution adopted in or about December 2022, and to conduct the affairs of the defendant ALU in accordance with the Amended Constitution adopted in June 2022;
- b. to hold an Election on or before August 30, 2023, for the positions of President, Vice President, Secretary Treasurer, Executive Secretary, and Steward Committee Chairperson at Warehouses JFK8 and LDJ5;
- c. to hold that election under the direction of a neutral Election Monitor, with expertise at running union elections, appointed by a Federal District Judge, which appointee will create rules for the election, retain a third-party vendor to physically conduct the election, who will rule on objections raised by candidates running in the election prior to its conclusion, and who will certify the election subject to review by the Judge;
- d. to post notice of that election and of a nominations meeting on or before July 25, 2023 by means best suited to reach those who qualify for membership in ALU pursuant to the Constitution;
- e. to hold that nominations meeting no later than August 10, 2023, at a location near Amazon Fulfillment Center JFK8, in Staten Island, New York;
- f. to allow anyone qualified to be a member to be nominated for a position subject to

that election, as long as they signed a membership card within the year prior to the nominations meeting;

g. to allow an eligible member to be nominated by another member, by self-nomination, or by a sworn self-nominating form designed by the Election Monitor;

h. to hold that election via in-person voting, between 6am and 9pm, at a location near Amazon Fulfillment Center JFK8, in Staten Island, New York, open to all employees of Amazon, Inc. employed at Amazon Fulfillment Centers JFK8 and LDJ5, Staten Island, New York, who sign a membership card on or before the date and time they vote; and

i. to have those elected take office upon a report from the Election Monitor certifying the election, and approval by the Federal Court.

We are delivering this proposal to you as of Friday, July 7th, and we will await a response by 12:00 pm on Monday, July 10th. If ALU agrees to the terms we have proposed, we will not go forward with litigation. If we receive no response, we will move forward with litigation.

If any clarification is needed on the points raised above, feel free to reach out any time before Monday noon. However, we are not going to delay any further, and we will not respond to any communication which is a distraction or departure from the issues at hand in this letter.

We humbly ask that you consider this good faith proposal as our final attempt to resolve ALU's fundamental issues without a media spectacle and without damaging the reputation of any board member who thus far has been misled or given bad advice. A decision to accept can mean the difference between an ALU which is strong, effective, and a beacon of democracy in the labor movement, or an ALU which, in the end, became exactly what Amazon warned workers it would become: a business that takes away the workers' voices.

Sincerely,
The ALU Democratic Reform Caucus

July 7th, 2023
Sent via email